

J. Vickers



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Travel Centre

File: B-236061.2

Date: January 4, 1990

DIGEST

Protest that solicitation did not require establishment of local travel agency offices but rather one office for numerous areas is denied where solicitation contained list of cities requiring local offices and contemplated separate awards for 13 areas based on separate proposals for each area.

DECISION

Travel Centre (TC) protests several awards made by the General Services Administration (GSA) under request for proposals (RFP) No. AT/TC 20075 for the establishment and operation of commercial travel management centers for various geographic areas.

TC argues that the RFP permitted it to propose an arrangement based on the installation of a satellite ticket printer (STP) in the offices of a subcontracted travel agent in each local area with the bulk of the required services other than ticket delivery to be handled through a single travel management center located in Massachusetts. The agency disagrees and downgraded TC's proposals based on its view that the RFP required a full service travel office within each of the geographic areas. For the reasons set forth below we think that the agency's view of the RFP is reasonable and we therefore have no basis upon which to disagree with the agency's evaluation of the TC proposals.

The RFP, was issued on June 5, 1989 and as amended covered 13 separate geographic areas including Virginia, Maine, New Hampshire, Central New York, Eastern New York, Western New York, Nassau and Suffolk Counties in New York. Ten of the 13 areas were set aside for small businesses. The RFP provided for separate awards for each area and asked offerors to submit separate proposals for each.

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The travel services to be provided for government agencies within each of 13 areas solicited included: making reservations and issuing and delivering tickets for all commercial modes of transportation; providing lodging reservations and commercial automobile rental service; arranging for international travel; making arrangements for the presentation of seminars and meetings for government personnel; and developing, printing and delivering to client agencies pamphlets outlining various travel procedures.

Further, the RFP at section B-5 listed each area to be serviced in a chart containing information about the geographic scope of the area, the number of client agencies in each area and special site requirements, including the designation of the city or cities within each area where a local office had to be provided.

By the closing date of July 13, TC had submitted proposals for the ten areas set aside for small businesses. TC's proposals were based on the protester's providing the range of services required through its office in Wakefield, Massachusetts for all ten areas and by placing an STP in the offices of subcontracted travel agents or messenger services in the cities where a local office was required.

TC's proposals were reviewed by the technical evaluation panel which assigned them all a poor rating primarily because of TC's failure to provide for local full service offices at the cities specified in the RFP. Following the evaluation of the written proposals, GSA personnel made a site visit to TC's Wakefield office, which confirmed that TC did not have and did not plan to establish local offices in the cities where the RFP required.

Following the site visit, TC advised the contracting officer by letter dated August 2 that in its view the plan to install an STP in each of the areas to be serviced complied with the requirements of the RFP. During oral discussions on August 22, the contracting officer advised TC that its proposals were considered to be outside the competitive range in six of the ten areas and that further information would only be required for the remaining four areas. This was confirmed by letter of August 24, in which TC was requested to provide information regarding establishing the local offices. By return mail, TC refused to amend its proposal and indicated it would be filing a protest.

TC objects to the downgrading of its proposals during the evaluation because it chose to provide the travel services using its single central office plan. The protester argues that using modern computer based systems, private courier

services and 800-prefix phone numbers it can supply high quality travel services through its single central office combined with the STPs located within subcontracted local agencies in the designated cities. TC believes, based in large part on the fact the RFP stated that it was for a "Requirements Contract For The Establishment and Operation Of One Area Wide Commercial Travel Management Center," that there was no RFP requirement for the establishment of local offices in each area to supply full travel services. In this regard, the protester further points out that the RFP nowhere explains exactly what functions are to be performed by a local office; it believes that so long as the local office is able to provide ticket delivery it meets the RFP requirements.

We disagree with the protester's interpretation of the RFP. It should have been reasonably clear from the RFP that the agency contemplated the establishment of full service travel centers in each of the designated areas. First, the RFP allowed separate awards for each area and clearly required that each area must be provided with all of the listed travel services. The RFP also asked for separate proposals for each area. Further, the RFP included a list of the 13 geographic areas, each of which included at least one city where the contractor is to establish a local office^{1/}. The solicitation also states that if the offeror wishes, it may provide the services "through a subcontractor agreement with a full service travel agency located in each federally populated city." Finally, we are informed that none of the several other offerors under the RFP submitted an offer which indicate that the RFP required anything less than a full service office in each location.

What is most important, however, even if TC's strained interpretation of the solicitation could be considered a reasonable one, is that the agency clearly and repeatedly informed TC at the site visit and during discussions that the protester's approach was not what it wanted. TC

^{1/} While TC contends its interpretation is supported by the title of the RFP which called for the establishment of "One Area Wide Commercial Travel Management Center" (emphasis added), we note that that phrase was followed by a listing of the separate geographic area to be awarded with each state or area name separated by a semicolon. In the context of the solicitation which called for separate proposals and allowed for separate awards for each different area we do not agree that this title at all implies that only one center is contemplated for all the areas.

continued to offer based on its plan notwithstanding clearly expressed views of the agency procuring the services.^{2/}

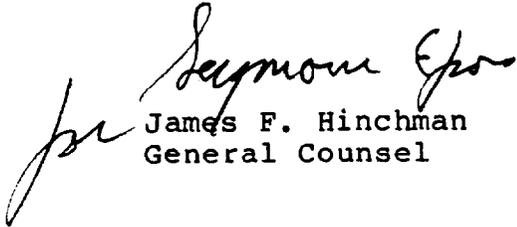
As for the actual evaluation of TC's proposals, the evaluation of proposals is primarily the responsibility of the procuring agency. EPE Technologies, Inc., B-233492, Feb. 21, 1989, 89-1 CPD ¶ 179. Consequently, we will not independently determine the relative merit of proposals but we will examine the agency's evaluation to ensure that it was reasonable and consistent with the RFP evaluation criteria id. The fact that the protester disagrees with the agency's conclusion does not itself establish that the agency acted unreasonably. See Pan Am World Servs., Inc., B-235976, Sept. 28, 1989, 89-2 CPD ¶ 283. Here, we do not believe that the agency exercised its judgment unreasonably in downgrading TC's proposals because of its approach of relying on a single central office and STPs rather than local offices to provide all of the required services.

As GSA explains, under TC's approach federal employees could go to TC's subcontracted local full service agencies only to obtain tickets from the protester's STP located at that office. Federal travelers could not use that local office for any of the many other required services such as lodging reservations and car rental. They would have to conduct all this business via phone with TC's central office in Massachusetts. Deliveries would be made from the central office by courier. The agency concluded that such a scheme was not consistent with its view of travel services and that such a "remote control" type of arrangement where federal employees would not be able to meet directly with contractor representations to resolve problems concerning most of the required services was not an acceptable approach.

^{2/} TC contends that an amendment to the RFP should have been issued requiring that local offices be offered. As noted above, no other offeror adopted TC's interpretation of the RFP and TC was advised during discussion both orally and in writing of the agency's requirement for local full service offices. Under the circumstances we do not believe that the lack of a formal amendment makes the procurement improper. See Furuno U.S.A., Inc., B-231449, Aug. 29, 1988, 88-2 CPD ¶ 189.

While it is clear that the protester disagrees with the agency's view and argues that it is not feasible for a small business to set up various full service local offices,^{3/} there has been no showing that the agency's judgment in this regard is unreasonable. Since that judgment and the evaluation of TC's proposals do appear to be reasonable, there is no basis for us to object to the rejection of TC's proposals.

The protest is denied.

 James F. Hinchman
General Counsel

^{3/} The record shows that other small business have been able to successfully submit proposals based on the establishment of full service local offices.